

REMARKS

Claims 4, 5, 8, 9, and 10 are pending. By this Response, claim 10 has been added. Reconsideration and allowance based on the above amendments and the following remarks are respectfully requested.

The Examiner rejects claims 4, 5, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ito et al. (U.S. 6,470,266) in view of Inoue et al. (U.S. 6,295,503). This rejection is respectfully traversed.

Applicant's independent claims 4, 5, 8, and 9 are clear in what they recite. Each of these claims recite, *intra alia*, "whether the condition of the vehicle is set after the route is searched." To establish a *prima facie* case of obviousness, each feature of the claims must be taught or suggested by the combination of references. Applicant submits that the above feature of Applicants claims is not taught or suggested by Ito or Inoue.

The Examiner states that the above feature is not taught by Ito and Inoue. As stated in the Office Action, the Examiner states that Ito "fails to disclose on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle, where the condition of the vehicle is set after the route is searched." The Examiner also states on page 8 "Ito et al., as discussed above also, fails to then set a condition to determine if the vehicle is allowed to travel on the road." Thus, it is evident that the Examiner does not consider Ito as teaching the above claimed feature,

The Examiner also "agrees that Inoue teaches the route is calculated after the determination of the condition." See page 8, last line to page 9, first line of the Office Action. Thus, it is clear that the Examiner also considers Inoue as failing to teach the above-noted feature of Applicants claims.

Thus, the Examiner has stated on the record that both Ito and Inoue fail to teach the above noted feature recited in Applicants independent claims 4, 5, 8, and 9. Therefore, for this reason alone, a *prima facie* case of

obviousness cannot be made by combining the teachings of Ito and Inoue. Thus, the rejection of the claims is invalid and should be withdrawn.

The Examiner states that "Inoue et al. teaches the need to set a condition to be able to determine if a vehicle can travel on a road, and if not, to then not include those restricted roads." Applicants agree. This is exactly what Inoue teaches. It is necessary in Inoue to obtain the conditions previous to route searching in order to include or exclude certain roads based on the conditions.

Applicant agrees with the Examiner that Inoue teaches studying conditions in order to determine what roads can be traveled on. It is how these conditions are applied and how the route is searched that differs from Applicants claimed invention.

The combination of Ito and Inoue simply do not teach or suggest searching a route first prior to obtaining conditions and displaying the route. In Ito's system, a route is determined and when the vehicle approaches a restricted road while traveling the route, the users are informed of a restricted road approaching. Inoue's system requests the conditions of the vehicle and then searches the route based on the condition information. There are no teachings otherwise in Ito or Inoue.

The Examiner also states "although in Inoue et al. it is taught to set the condition prior to the route search, it would have been obvious to one of having ordinary skill in the art at the time of the invention to prompt the user for the condition when Ito et al. announces the restricted road is coming. Instead of the user making the decision by themselves to use the restricted road or not, as taught in Ito et al., Inoue et al. teaches the navigation system being able to determine itself whether or not the vehicle can travel on the road by the conditions set."

Assuming, *arguendo*, it is obvious for one of ordinary skill to implement the navigation device in Ito when approaching a restricted road to

request the users input of a condition of the vehicle, the combination does not lead to the claimed invention. Under the assumed sceinario for argument proposes, upon receiving the condition from the user, what would Ito's system do with this condition? Inoue teaches searching other routes based on the condition. Ito provides no teaching to suggest otherwise because Ito's system does not require the input of a condition upon approaching a restricted road. Thus, even if combined, the teachings of Ito and Inoue suggest requesting a condition upon approaching a restricted road and then performing a new route search based on these conditions. The new route search may include the restricted road if the conditions warrant, but a new route is still searched if one of ordinary skill is looking to the teachings of Inoue and applying them to Ito's system.

Furthermore, all the combination does is allow the navigational system of Ito to be able to determine itself whether or not the vehicle can travel on the road by the conditions set. The combination does not teach or suggest searching the route then applying the condition and setting the condition after the route is searched, as in Applicants claimed invention.

Therefore, for the reasons above, Applicant respectfully submits that independent claims 4, 5, 8, and 9 are distinguishable over the combination of Ito and Inoue, as the combination fails to teach or suggest every feature of the Applicants claims.

If the Examiner maintains the above rejection to the claims, the Examiner is respectfully requested to contact Applicants representative in order to set up an interview with the Examiner and her supervisor.

Further, regarding newly added dependent claim 10, Applicants respectfully submit that the combination of Inoue and Ito do not teach or suggest the searched route also including links corresponding to specific roads in a route which does not include road links corresponding to the specific roads and displaying one of the search routes based on the conditions set.

Essentially, both routes are searched prior to the setting of the condition and whatever the conditions warrant, the particular route is displayed.

Conclusion

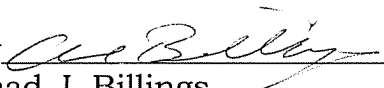
For the reasons above, Applicant respectfully submits that claims 4, 5, and 8-10 are distinguishable over the cited prior art. Favorable reconsideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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